

REMARKS

In the Office Action dated August 15, 2005, the Examiner rejects claims 1 through 13 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,918,131 to Rautila et al. ("Rautila"). The Examiner further rejects claims 1 through 5, 8, 12, and 13 under 35 U.S.C. 103(a) as being obvious over Rautila in view of White's "How Computers Work," 6<sup>th</sup> Ed. ("White"), as well as claims 6, 7 and 9 through 11 in view of U.S. Patent No. 6,718,551 to Swix ("Swix"). The Applicants respectfully traverse the rejections and assert that the claims pending in the present application are patentable over the reference cited by the Examiner for at least the reasons stated below.

Rautila discusses a system for setting user television preferences over a computer network using a computer terminal. Col 1, lines 9-14 and Col. 1, lines 37-40. A user may receive television programming, in addition to supplementary material, on the user's television set. Col. 2, lines 65-67. Using a computer terminal, the user may register to indicate the television content the user is viewing, advertisements the user is interested in, etc. Col. 3, lines 13-15. The user's registration is delivered via the Internet to an interactive server that maintains user account information, including the user's registered television preferences. Col. 3, lines 6 – 16. The interactive server receives television programming and modifies or augments the television programming based upon the user's television preferences, which is delivered to the user's television set. Col. 3, lines 17-22 and Col. 3, lines 22-30.

By contrast to Rautila, independent claim 1 is directed toward a system for performing purchase transactions using a broadcast-based client device. The system of independent claim 1, and the claims dependent thereon, comprise a user computer

coupled to a data network to display a user interface usable to enter a plurality of purchase preferences. A broadcast-based client-side device, also coupled to the network, receives user preference data from the network based on the plurality of purchase preferences and receives broadcast programming content from a broadcast source. The broadcast-based client-side device includes a display to display a plurality of purchase options based on the plurality of purchase preferences and a user input device to select from among the plurality of purchase options and to consummate a purchase transaction.

Rautila neither teaches nor suggests the systems claimed in the instant application. The Examiner attempts to equate the television set discussed in Rautila with the presently claimed broadcast-based client-side device described in independent claim 1. The television set discussed in Rautila merely provides for the display of television programming and supplementary material, such as material in addition to the normal television programming content. Col. 2, lines 65-67. A user of the system discussed in Rautila registers via the user's terminal to indicate the television programming that the user is watching on the user's television, one or more polls the user wishes to participate in, etc. Col. 3, lines 41-45.

As discussed in Rautila, "registration information includes volatile information such as that the user is currently viewing a particular program, that she wishes to participate in a current poll or special offer mentioned on a television program, or the like." Col. 3, lines 13-16. After registering using the terminal, the user may receive supplementary material based upon the registration, such as advertisements, lottery results, messages, etc. Col. 4, lines 26-35. A user's television set according to

Rautila, however, merely provides a display for the supplementary material delivered with television programming.

In contrast to the television set discussed in Rautila, the broadcast-based client-side device described in independent claim 1 includes a display to display a plurality of purchase options based on a user's purchase preferences. Additionally, the broadcast-based client-side device includes a user input device to select from among the plurality of purchase options and to consummate a purchase transaction. While Rautila discusses the use of a computer terminal to indicate preferences for supplementary content, the supplementary content is merely displayed on the user's television set. The selection of preferences and indication of interest in one or more polls, lotteries, etc., is performed using a computer terminal and not the user's television set. Col. 5, lines 5-12 and Col. 5, lines 22-26.

The system according to Rautila may receive a notification of a purchase option on the television set. Consummation of a purchase transaction, however, is performed using the terminal. In contrast, the broadcast-based client-side device described in independent claim 1 includes a user input device to select from among a plurality of purchase options and to consummate a purchase transaction. Therefore, the television set discussed in Rautila, which merely provides for the display of supplementary content, is distinct from the broadcast-based client-side device described in independent claim 1, which includes a display to display a plurality of purchase options based on a plurality of purchase preferences and a user input device to select from among the plurality of purchase options, and to consummate a purchase transaction.

The Examiner also rejects independent claim 1 as being obvious over Rautila in view of White. The Examiner asserts that “because a computer inherently has a user interface . . . it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Rautila as taught by White to directly disclose a keyboard.” Office Action, page 6.

As previously noted in the Applicant’s remarks in response to the Examiner’s claim rejections under 35 U.S.C. §102, Rautila discusses a system wherein a television set displays supplementary content selected by a user via the user’s computer terminal. The supplementary content selected by a user via the user’s terminal, however, is displayed on the user’s television set. Thus, the television set discussed in Rautila is distinct from the broadcast-based client-side device described in independent claim 1, which receives user preference data from the network based on a plurality of purchase preferences and allows a user to select from among a plurality of purchase options displayed on the broadcast-based client-side device and to consummate a purchase transaction. Therefore, despite the Examiner’s assertion, the addition of a keyboard to the system discussed in Rautila does not teach or suggest the broadcast-based client-side device claimed by in independent claim 1.

The dependent claims of the present application contain additional features that further substantially distinguish the invention of the present application over the art of record. Given the Applicant’s position on the patentability of the independent claims, however, it is not deemed necessary at this point to delineate such distinctions.

For the above reasons, the Applicant submits that the present invention, as claimed, is patentable over the references cited by the Examiner. Accordingly,

reconsideration and allowance of pending claims 1-13 is therefore respectfully solicited.

To expedite prosecution, the Examiner is invited to contact the Applicant's representative at 212-895-2900.

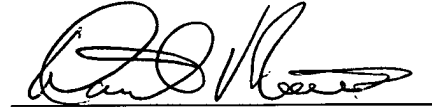
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Date

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